

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1059 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 environmental law and to make an appropriation.
- 4 Page 2, delete lines 25 through 42, begin a new paragraph and insert:
- 5 "SECTION 2. IC 13-22-7.5 IS ADDED TO THE INDIANA CODE
- 6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 7 UPON PASSAGE]:
- 8 **Chapter 7.5. Transportation of Chemical Munitions**
- 9 **Sec. 1. This chapter applies to a person that transports:**
- 10 **(1) a chemical munition referred to in 329 IAC 3.1-6-3, as in**
- 11 **effect on January 1, 2005; or**
- 12 **(2) hazardous waste derived from the destruction or treatment**
- 13 **of a chemical munition referred to in subdivision (1).**
- 14 **Sec. 2. (a) Before transporting a substance referred to in section**
- 15 **1 of this chapter, a person must file with the department, state**
- 16 **police department, and state emergency management agency the**
- 17 **following:**
- 18 **(1) A written transport risk analysis that:**
- 19 **(A) accounts for the type and quantity of hazardous waste**
- 20 **to be transported;**
- 21 **(B) identifies each type of incident that could:**
- 22 **(i) occur during the transport; and**
- 23 **(ii) result in harm to the public health or environment;**
- 24 **(C) assesses the likelihood of the occurrence of each type of**
- 25 **incident referred to in clause (B);**

(D) identifies the magnitude of the potential harm to the public health or environment associated with each type of incident referred to in clause (B); and

(E) is written in a manner understandable to:

- (i) the scientific community; and
- (ii) the public.

(2) A written transport safety plan that:

(A) is tailored to the risks described in subdivision (1);

(B) demonstrates that the driver of each vehicle to be used in the transport is appropriately trained and licensed;

(C) demonstrates for each part of the transport route that appropriate procedures and facilities will be in place for immediate:

- (i) medical response;
- (ii) environmental response;
- (iii) security response; and
- (iv) evacuation of the area; and

(D) provides for submitting notice to the department before the first shipment of each particular chemical munition or hazardous waste described in section 1 of the chapter is transported.

(b) A notice submitted under the transport safety plan provision described in subsection (a)(2)(D) must include the estimated shipment schedule for each chemical munition or hazardous waste for the duration of the transport activity. A person who transports a chemical munition or hazardous waste described in subsection (a) shall immediately notify the department of any major variations from the estimated shipment schedule provided under this subsection.

Sec. 3. (a) A person who transports a substance referred to in section 1 of this chapter shall submit a transportation fee of two hundred dollars (\$200) to the commissioner for each shipment of a substance.

(b) The commissioner shall deposit fees collected under this section in the chemical munitions response fund established in section 4 of this chapter.

Sec. 4. (a) The chemical munitions response fund is established for the following purposes:

(1) Fifty percent (50%) of the money in the fund shall be distributed to counties that contain a hazardous waste facility described in IC 13-22-3-10 that is used for the destruction or treatment of a chemical munition for the following purposes:

(A) To provide appropriate education, training, and equipment to local emergency responders concerning substances referred to in section 1 of this chapter.

(B) To repair and maintain roads used to transport

- 1 substances referred to in section 1 of this chapter.
- 2 (C) To prevent, prepare for, and respond to acts of
- 3 terrorism involving substances referred to in section 1 of
- 4 this chapter.
- 5 (D) Any other purpose associated with:
- 6 (i) the transportation of; or
- 7 (ii) public safety issues concerning;
- 8 substances referred to in section 1 of this chapter.
- 9 (2) Fifty percent (50%) of the money in the fund shall be
- 10 distributed to state agencies that are involved in the
- 11 transportation of substances referred to in section 1 of this
- 12 chapter for the following purposes:
- 13 (A) To provide appropriate education, training, and
- 14 equipment to state emergency responders concerning
- 15 substances referred to in section 1 of this chapter.
- 16 (B) To repair and maintain roads used to transport
- 17 substances referred to in section 1 of this chapter.
- 18 (C) To prevent, prepare for, and respond to acts of
- 19 terrorism involving substances referred to in section 1 of
- 20 this chapter.
- 21 (D) Any other purpose associated with:
- 22 (i) the transportation of; or
- 23 (ii) public safety issues concerning;
- 24 substances referred to in section 1 of this chapter.
- 25 (b) Sources of money for the fund consist of transportation fees
- 26 deposited under section 3(b) of this chapter.
- 27 (c) The department shall administer the fund. Money in the fund
- 28 is annually appropriated to the department to be used for purposes
- 29 described in subsection (a).
- 30 (d) The expenses of administering the fund shall be paid from
- 31 money in the fund.
- 32 (e) The treasurer of state shall invest the money in the fund not
- 33 currently needed to meet the obligations of the fund in the same
- 34 manner as other public funds may be invested.

1 **(f) Money in the fund at the end of a fiscal year does not revert**
2 **to the state general fund."**

3 Page 3, delete lines 1 through 32.

(Reference is to HB 1059 as printed January 26, 2005.)

Representative Grubb